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**FILED**  
**FIRE ALARM, BURGLAR ALARM AND**  
**LOCKSMITH ADVISORY COMMITTEE**

*72*  
*5/21/2013*

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
NEW JERSEY FIRE ALARM, BURGLAR ALARM  
AND LOCKSMITH ADVISORY COMMITTEE

IN THE MATTER OF

Administrative Action

**RAYMOND OCASIO**  
**Burglar Alarm Lic No. 34BA00111700**  
**Fire Alarm Lic No. 34FA00091900**  
**Business Lic No. 34BF00030000**

FINAL ORDER

TO PRACTICE AS A BURGLAR ALARM  
AND FIRE ALARM LICENSEE IN THE  
STATE OF NEW JERSEY

This matter was opened to the New Jersey Fire Alarm, Burglar Alarm and Locksmith Advisory Committee ("the Committee") upon receipt of information which the Committee has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Raymond Ocasio ("respondent") is licensed by the New Jersey Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee as a burglar alarm and fire alarm licensee in the State of New Jersey and has been licensed at all times relevant hereto. Respondent is also a business license holder under the name "Abba Alarms, L.L.C.," and has been licensed at all times relevant hereto.

2. On October 6, 2009, respondent was arrested by the State Police House Complex Security and charged with violating N.J.S.A. 2C:20-3A, Theft of Movable Property.

3. On October 28, 2009, the Committee sent a letter to respondent's address of record, via regular and certified mail. The letter requested, pursuant to N.J.S.A. 45:1-18, that information be provided to the Committee by November 28, 2009 regarding the status and disposition of the charge. The certified

mail was received at respondent's address of record on October 29, 2009. The regular mail was not returned to the Committee. Respondent failed to provide the requested information to the Committee.

4. On July 22, 2010, respondent was found guilty of N.J.S.A. 2C:33-2, Disorderly Conduct, resulting from his October 6, 2009 arrest. To date, the Committee has not received a response to the request for information from respondent

#### CONCLUSIONS OF LAW

The above preliminary findings of fact provide grounds for suspension of respondent's licenses, pursuant to N.J.A.C. 13:45C-1.2., in that respondent failed to cooperate with the Committee by failing to provide the requested information in response to the October 28, 2009 letter. Respondent's failure to cooperate provisionally constitutes professional misconduct pursuant to N.J.S.A. 45:1-21(e).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 21, 2011. The Provisional Order, provisionally suspended respondent's individual license to engage in the burglar alarm business, his individual license to engage in the fire alarm business, as well as his business license, until respondent appeared before the Committee to answer questions concerning his arrest and conviction. Additionally, the Provisional Order of Discipline provisionally imposed a civil penalty of \$2,500.00 for failing to cooperate with the Committee in violation of N.J.S.A. 45:1-21(e). A copy of the Provisional Order was forwarded to respondent at the last known address on file with the Committee by certified and regular mail. The Provisional Order was subject to finalization by the Committee at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Following the entry of the Provisional Order of Discipline, respondent sent a letter to the Committee dated September 27, 2011. In the letter, respondent explained he was dealing with being transferred out of state by his primary employer during the time of the Committee's inquiry concerning his arrest. When the Committee's letter arrived, respondent was out of state. Respondent's wife signed for the letter, but the letter was placed among a stack of important papers that respondent needed to go through. Respondent apologized for not responding to the Committee's inquiry. Respondent also provided a copy of a "Motion For Dismissal Of Indictment" from Mercer County Superior Court indicating that the

Mercer County Prosecutor moved for the dismissal of the Burglary and Theft charges as a result of respondent pleading guilty to a disorderly persons charge of theft.

The Committee considered respondent's reply to the Provisional Order of Discipline and voted to have respondent appear before the Committee on January 17, 2012. He testified concerning the arrest, that as part of his duties with his employer, he was responsible for picking up and disposing of any garbage left outside. Respondent saw two boxes that he thought were intended as garbage and placed them in his car. However, the boxes did not contain garbage but rather contained equipment. Respondent returned the boxes and ultimately pled to a disorderly person's offense.

Concerning respondent's failure to respond to the Committee's request for information, respondent again explained he was out of the state when the Committee's letter arrived. Respondent's wife failed to give him the letter. Respondent indicated he did not intentionally fail to respond to the Committee's inquiry.

After considering respondent's letter dated September 27, 2011, as well as his testimony at the appearance on January 17, 2012, the Committee finds that respondent did not intentionally fail to reply to the Committee's request for information concerning his arrest. As a result, the Committee will withdraw the provisional finding of failing to cooperate, as well as the accompanying provisional suspension and \$2,500.00 civil penalty.

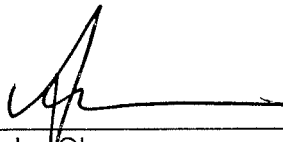
ACCORDINGLY, IT IS, on this 21<sup>st</sup> day of May, 2013  
HEREBY ORDERED THAT:

1. Respondent has demonstrated to the satisfaction of the Committee that he was out of the state during the time of the Committee's request for information concerning his arrest and did not intentionally fail to respond to the Committee's request for information concerning his arrest. As a result, the Committee withdraws the provisional finding of failing to cooperate, in violation of N.J.S.A. 45:1-21(e), as well as the accompanying provisional suspension and \$2,500.00 civil penalty.

2. Nothing in this Final Order prevents the Committee from taking action against respondent based on his conviction.

NEW JERSEY FIRE ALARM, BURGLAR ALARM  
& LOCKSMITH ADVISORY COMMITTEE

By: \_\_\_\_\_

  
Charles Okun  
Committee Chairman